

February 10, 2017

**VIA ECFS**

***EX PARTE NOTICE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re:** *In the Matter of Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106

Dear Ms. Dortch,

In response to the Joint Petition for Stay filed by nine trade associations (“Petitioners”) in the above-captioned proceeding,<sup>1</sup> both the VON Coalition<sup>2</sup> and Level 3<sup>3</sup> have submitted filings urging the Commission to exclude the privacy and data security exemption for enterprise voice customers and the elimination of recordkeeping and annual certification requirements from any potential stay of the agency’s *Broadband Privacy Order*.<sup>4</sup> As a representative for carriers and interconnected VoIP providers serving enterprise customers that will benefit from this deregulatory approach, INCOMPAS supports this request. Specifically, INCOMPAS agrees that reinstating the recordkeeping and annual certification requirements, which “have been

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<sup>1</sup> See American Cable Association *et al.*, Joint Petition for Stay, WC Docket No. 16-106 (filed Jan. 27, 2017) (“Joint Petition”).

<sup>2</sup> See Comments of VON Coalition, WC Docket No. 16-106 (filed Feb. 3, 2017) (“VON Coalition Comments”) (requesting that the Commission “exclude from the stay the *Broadband Privacy Order*’s adoption of section 64.2010 of the Commission’s rules, and its elimination of section 64.2009 of the Commission’s rules”).

<sup>3</sup> See Letter from Level 3 Communications, LLC, to Marlene H. Dortch, FCC, WC Docket No. 16-106 (filed Feb. 10, 2017) (explaining that the “exemption provides significant benefits to business customers of telecommunications services and [is] a significant improvement over the FCC’s prior set of privacy rules”).

<sup>4</sup> *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Report and Order, FCC 16-148 (rel. Nov. 2, 2016) (“*Broadband Privacy Order*”); 47 C.F.R. § 64.2010.

determined to be unnecessary and, in some instances, inconsistent with the privacy and data security needs of business customers,” and that eliminating the business customer exemption, which enterprise voice service providers have already started to rely on, would not be in the public interest.<sup>5</sup> INCOMPAS takes no position on the Joint Petition’s request for a stay with respect to the BIAS rules adopted by the Commission in its *Broadband Privacy Order* on October 27, 2016.

Preserving the exemption for enterprise customers as well as the elimination of recordkeeping and annual certification requirements in the *Broadband Privacy Order* is consistent with the Commission’s goal to eliminate unnecessary rules.

Please do not hesitate to contact me if you have questions about this submission.

Respectfully submitted,

/s/ *Christopher L. Shipley*

Christopher L. Shipley  
Attorney & Policy Advisor  
(202) 872-5746

cc: Nick Degani  
Jay Schwarz

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<sup>5</sup> VON Coalition Comments at 3.